

SEP 26 2003

Before the
Federal Communications Commission
 Washington, D.C. 20554

Federal Communications Commission
 Office of the Secretary

In the Matter of)	MM Docket No. 03-132
)	RM-10709
Amendment of Section 73.202(b))	
(Table of Allotments))	
FM Broadcast Stations)	
)	
Springfield, Tennessee, and)	
Oak Grove and Trenton, Kentucky ¹)	

To Assistant Chief, Media Bureau
 (Allocations)

MOTION FOR LEAVE TO FILE
REQUEST TO WITHDRAW UNCONTESTED
COUNTERPROPOSAL
AND REINSTATE ORIGINAL PROPOSAL

Saga Communications of Tuckessee, LLC ("Saga"), by its attorneys, and pursuant to Section 1.420(j) of the Commission's Rules, hereby respectfully moves for leave to file a request to withdraw its uncontested Counterproposal filed July 28, 2003, in response to the Commission's Notice of Proposed Rule Making ("NPRM") in this Docket (DA 03-1989, released June 6, 2003). That NPRM proposed to modify the Table of Allotments (47 C. F. R. §73.202 (b)) to change the allotment of FM Channel 232A from Springfield, Tennessee, to Oak Grove, Kentucky, with a concurrent modification of the license of WJOI-FM, Springfield, Tennessee, to operate on Channel 232A at Oak Grove, Kentucky. Due to the adoption of new

¹ Trenton, Kentucky, has been added to the caption

as discussed above. 014
 WABCOE

multiple ownership rules and the impending comment date in this docket, Saga found it necessary to counterpropose the reallocation of Channel 232A from Springfield, Tennessee, to Trenton, Kentucky, instead of Oak Grove Kentucky, as originally proposed. In light of action taken September 3, 2003, by the U. S. Court of Appeals for the Third Circuit, that stayed the effective date of the new rules, Saga requests leave to file a request for reinstatement of its original proposal for Oak Grove.

The Commission has, in the past, accepted pleadings outside the usual pleading cycle where they assist the Commission in developing a complete record. The Commission may accept this Request as a matter within its discretion. See Section 1.415(d) of the Rules and *Winslow, Camp Verde, Mayer and Sun City West, Arizona*, 16 FCC Rcd 9551 (2001) (acceptance of Supplement containing material of which the Commission may take official notice).

Here, Saga was forced by the new rules to present a non-preferred, yet acceptable, counterproposal in order to develop the facilities of WJOI-FM to the highest potential and better serve the public interest. Saga prefers to serve Oak Grove, but was potentially precluded from so doing by the imposition of the new rules that reduced the market size from the largest to the smallest tier. Under the circumstances, the public interest will be better served by the allotment of Channel 232A to Oak Grove, rather than Trenton, Kentucky.

Saga requests the Commission grant it leave to file the accompanying request to allot Channel 232A to Oak Grove, Kentucky, and modify the license of WJOI-FM to operate on FM Channel 232A at Oak Grove.

Respectfully submitted,

**SAGA COMMUNICATIONS OF
TUCKESSEE, LLC**

A handwritten signature in black ink, appearing to read 'Gary S. Smithwick', with a stylized flourish at the end.

By: _____

Gary S. Smithwick
Its Attorney


SMITHWICK & BELENDIUK, P.C.
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September 25, 2003

CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, a secretary in the law office of Smithwick & Belendiuk, P.C , do hereby certify that a copy of the foregoing "Motion for Leave to File Request to Withdraw Uncontested Counterproposal and Reinstate Original Proposal", was hand delivered this 25th day of September, 2003 to the following:

Rolanda F. Smith
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C 20554


Sherry L. Schunemann